

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PACE-O-MATIC, INC.,	:	Civil No. 1:20-CV-00292
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ECKERT, SEAMANS CHERIN &	:	
MELLOTT, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 12th day of June, 2023, in accordance with the accompanying memorandum of law, **IT IS ORDERED** that Defendants' motion to dismiss the second amended complaint, Doc. 254, is **GRANTED IN PART** and **DENIED IN PART** as follows:

- 1) The court **DENIES** Defendants' motion insofar as it seeks to dismiss **COUNT I** for declaratory judgment.
- 2) The court **DENIES** Defendants' motion insofar as it seeks to dismiss **COUNT III** for fraud.
- 3) The court **GRANTS** Defendants' motion insofar as it seeks to dismiss **COUNT IV** for abuse of process. Accordingly, **Count IV is DISMISSED WITHOUT PREJUDICE.**

- 4) The court **GRANTS** Defendants' motion insofar as it seeks to preclude Plaintiff from recovering attorneys' fees incurred in this action.
- 5) The court **DENIES** Defendants' motion insofar as it seeks to preclude Plaintiff from recovering attorneys' fees incurred in related actions.
- 6) **IT IS FURTHER ORDERED** that Plaintiff may file an amended complaint on or before **July 3, 2023**.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Judge
Middle District of Pennsylvania

Dated: June 12, 2023